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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/680,473

10/07/2003

Laszlo T. Nemeth

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HONEYWELL INTELLECTUAL PROPERTY INC
PATENT SERVICES
101 COLUMBIA DRIVE
P O BOX 2245 MAIL STOP AB/2B
MORRISTOWN, NJ 07962

EXAMINER

TOOMER, CEPHIA D

ART UNIT

PAPER NUMBER

1714

MAIL DATE

DELIVERY MODE

05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/680,473	Applicant(s) NEMETH ET AL.	
	Examiner Cephia D. Toomer	Art Unit 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 11, 12, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8-10, 15, 16 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the amendment filed February 15, 2007 in which claims 1, 8 and 15 were amended.

The rejection of claim 8 under 35 U.S.C. 112, first paragraph is withdrawn in view of the amendment to the claim.

The rejection of claims 1-4 and 6 under 35 U.S.C. (b) is withdrawn in view of the amendment to the claims.

The allowability of claims 7, 17 and 18 is withdrawn in view of the newly discovered prior art.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ibsen (US 6,458,340).

Ibsen teaches a substantially anhydrous gel comprising at least 25% by weight of organic polyol (oxygenate), less than 3% by weight polyacrylic acid thickening agent

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and at least 10% by weight carbamide peroxide (see abstract). The gel employs neutralizing agents such as alkali metal hydroxides (see col. 5, lines 48-53).

Ibsen fails to teach applicant's intended use. However, intended use is given no patentable weight in claims that are directed to the composition per se.

Accordingly, Ibsen teaching all the material limitations of the claims anticipates the claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradford (US 5,585,001).

Bradford teaches a rocket fuel wherein a hypergolic composition may be used and may be selected from metallic ethoxides (see abstract; col. 5, lines 26-40 and claim 13).

Bradford fails to teach that the composition is a solid fuel. However, no unobviousness is seen in this difference because Bradford teaches the same compound as that of the present claims. Therefore, it would be reasonable to expect that the composition of Bradford would be a solid composition, absent evidence to the contrary.

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5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siegrist (US 3,964,880).

Siegrist teaches a fuel paste which includes ethanol, a thickening agent and an inorganic fuel carrier comprising a hydroxide of an alkaline earth metal (see abstract). The thickening agent is a cellulose ether such as hydroxypropyl cellulose (see col. 2, lines 10-12) or polyacrylic acid (see col. 3, lines 1-13).

Siegrist fails to teach that the alkaline earth hydroxide is magnesium hydroxide. However, it would have been obvious to select such a compound because it is a species within the very narrow genus of alkaline earth metal hydroxides.

6. Claims 4, 5, 8-10, 15, 16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

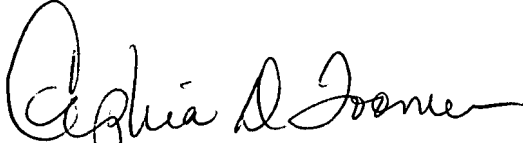
The prior art fails to teach the claimed gelled, frozen or metal oxygenates, catalyst and metal hydride as set forth in the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cepha D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cepha D. Toomer
Primary Examiner
Art Unit 1714

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